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09/681,089	12/29/2000	Brian Como	PI00-008	7629

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EXAMINER

ROSEN, NICHOLAS D

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 01/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/681,089

Applicant(s)

COMO, BRIAN

Examiner

Nicholas D. Rosen

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 29 December 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☒ Claim(s) 1-6 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

Claims 1-6 have been allowed.

### ***Specification***

The disclosure is objected to because of the following informalities: In paragraph 79, "Figure 1 iFs block diagram" should be "Figure 18 is a block diagram".

Appropriate correction is required.

### ***Claim Objections***

Claims 1-3 are objected to because of the following informalities: In the fifth, ninth, tenth, and thirteenth-through-fourteenth lines of claim 1, "the designated location" should be "the at least one designated location". Appropriate correction is required.

Claims 4-6 are objected to because of the following informalities: In the fourth and fifth lines of claim 4, and again in the eighth, tenth, and twelfth lines, "the designated location" should be "the at least one designated location". The last word of claim 4 should be followed by a period, rather than a comma and then a period.

Appropriate correction is required.

### ***Allowable Subject Matter***

Claims 1-3 are objected to, but would be allowed upon correction of the minor informality objected to above.

Claims 4-6 are objected to, but would be allowed upon correction of the minor informality objected to above.

The following is an examiner's statement of reasons for allowance: The closest prior art of record (closest to the first recited limitation, at least), Christensen et al. (U.S. Patent Application Publication 2002/0154114), discloses a gap analysis program for validating requested items against similar items valid for the designated location (paragraph 0050); and a procurement function for ordering validated requested items (Figure 5; paragraph 49). Christensen et al. do not disclose an estimator communicating with the gap analysis program for providing estimated costs of validated requested items, but there are other prior art document documents, notably "Spatial Inc. Reports Third Quarter Financial Results," which teach providing estimated costs of requested items (see items under the paragraph beginning "During the quarter, the PlanetCAD Division"). Christensen et al. do not disclose a virtual jobsite office representing the designated location, but files, etc., representing distant locations, etc., are well known. Christensen does not disclose a resource manager communicating with a virtual jobsite office, the estimator, and the procurement function, for managing the use of the requested items as well as other resources as resource items at the designated location. Resource managers for tracking inventory, etc., are well known; however, while no element in the independent claims is entirely novel, reconstructing the claimed invention from the prior art of record would require combining disparate sources, without adequate motivation in the prior art of record, or in what is generally known to those of skill in the relevant art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

This application is in condition for allowance except for the following formal matters:

There is a typographical error in claim 4, and one in paragraph 79. Some of the phrasing in claims 1 and 3 should be corrected. Also, new drawings should be submitted to overcome the draftsman's objections, as set forth on the accompanying form PTO-948.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. LeClair et al. (U.S. Patent 5,485,390) disclose an inductive-deductive process design for machined parts. Newman et al. (U.S. Patent 5,665,951) disclose a customer indicia storage and utilization system (and disclose verifying that newly purchased items are compatible with items already owned. Doyle et al. (U.S. Patent 5,694,551) disclose a computer integration network for channeling customer orders through a centralized computer to various suppliers. Sebastian et al. (U.S. Patent 5,822,206) disclose a concurrent engineering design tool and method. Sanders

(U.S. Patent 5,890,132) discloses associating a physical application to a business operation (and uses the expression "gap analysis"). Schanz (U.S. Patent 6,064,968) discloses systems, methods, and computer program products for identifying unique and common legal requirements for a regulated activity among multiple legal jurisdictions. Bjornson et al. (U.S. Patent 6,173,210) disclose an apparatus and method for selecting a mechanical seal. Kuribayashi et al. (U.S. Patent 6,334,115) disclose a component electronic catalog. Pickens (U.S. Patent 6,345,258) discloses an information system for new home builders. Masters (U.S. Patent 6,572,377) discloses a computerized interior design expert system, in which desired items are verified for compatibility.

Duenke (U.S. Patent Application Publication 2002/0026343) discloses a material and labor cost estimating method and system. Levkoff et al. (U.S. Patent Application Publication 2002/0129001) disclose a method and system for assimilation, integration, and deployment of architectural, engineering, and construction information technology (and in particular, disclose verifying that selected components are in compliance with local building codes [see paragraph 73]). Camiener et al. (U.S. Patent Application Publication 2002/0130869) disclose a computer-aided design neutral graphical data interface. Christensen et al. (U.S. Patent Application Publication 2002/0154114) disclose a method and system for customizing build-to-order products.

Oyama et al. (Japanese Published Patent Application 11-110442) disclose a computerized building material cost estimation system.

Cox et al. ("Timberline Software, Autodesk in Joint Product Development; First Shipments of Precision CADLink Monday") disclose enabling an AutoCAD designer's

computer to talk interactively with an estimator's computer. Finkelstein ("With 'Little to Lose,' Phillips Started Own Company") discloses, inter alia, use of a computerized estimating system. Lopez et al. ("Piping Cost Estimating Expert System" [Abstract only]) discloses a computerized system for estimating costs of construction projects. The anonymous article, "Estimates, or Guesstimates?" discloses computerized cost estimates. The anonymous article, "Spatial Inc. Reports Third Quarter Financial Results," discloses automated cost estimation.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas D. Rosen, whose telephone number is 703-305-0753. The examiner can normally be reached on 8:30 AM - 5:00 PM, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins, can be reached on 703-308-1344. (Wynn Coggins is currently on assignment elsewhere in the Patent Office; the examiner's acting supervisor, Jeffrey Smith, can be reached at 703-308-3588.) The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Non-official/draft communications can be faxed to the examiner at 703-746-5574.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

*Nicholas D. Rosen*  
**NICHOLAS D. ROSEN**  
**PRIMARY EXAMINER**

December 20, 2003